P. F. 6097

G. R. S. IX-5]

Previous references.

L. R. 3795.

1893-96

192

(L. R.)

File No. 80 of 93

Serial Nos. 1-7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

~~Part~~ **B for** November 1895.

SUBJECT.

Appeal of Kanjuma of Godin Kandankatte, Devuchalli taluk, regarding the recovery of certain Arrears of the Revenue.

WD 2232-GPB.—20,000—14-6-20

Condemned

Judge

Translation of the Bangalore Deputy Commissioner's order No. 224 dt. 1st June 1894.

"Office of the Dy. Commissioner
Bangalore District

"Endorsement granted to Kempanna of Yamalur Muddenhalli, Yadiginamalli Hobli, Devanahalli Taluk, in regard to his petition No. 221 containing the demand of Kandayam on land No. 3 of the above village, formerly tenanted.

"Petitioner is informed that the Amildar reports, in his No. 792 dt. 22/5/94, that Mr. Krishna Iyer, the then Deputy Commissioner, ordered that the amount referred to should be remitted. But Government did not sanction the remission, and the sale was confirmed. The money therefore should, in accordance with Government orders, be paid up."

Kanj
20/21/6/94

2 111

Office note

Petition Reg^d no 3479
dated 7th June 1894

Petitioner: Kempanna
of Goolemuddenahalli
Devanhalli Taluk

On the 24th September
1889 one Basanna applied
to the Amildar of Devan-
halli for the grant of
Survey No 30 of Goolemuddena-
halli. It was reported
that there were trees and
a "Kunte" on the land.
The Amildar thereupon
ordered the sale of the land
by public auction.

On the 20th November
1889 the land was sold
by public auction. Petitioner
Kempanna was the highest bidder and the land
was knocked down to him
for Rs 30. The Amildar
thereupon submitted the
sale proceedings to the
Deputy Comm^r. On the
21st Dec^r 1889 the Deputy
Comm^r confirmed the sale

Post in the usual course issuing notices to all including the intermediate purchasers of the appellants' own lands.

5/8/95

Posted 6 2nd August
Issue notices. 5/8/95

the purchase money had not however been recovered from the purchaser when the sale was confirmed. After the confirmation of the sale the ambalam ordered the recovery of the full amount from the purchaser. The land was not put into the possession of the purchaser. The purchaser having refused to pay, his property was attached and sold. At the resale of Survey No 3 it was knocked down to one Mundappa for Rs 2.

In the meantime Kempanna presented a petition to the Deputy Commr that on the complaint of some of the villagers the ambalam had ordered that they might use the "Kunte" and the pathway on Survey No 3 as usual, that the land had not been put into his possession, that nevertheless his dwelling house and a field had been attached and were likely to be sold soon for the recovery of Rs 35 of which Rs 30 was the purchase money above referred to,

In the confirmation statement submitted by the Deputy Commr, the ambalam does not refer to the recovery of the purchase money. He merely states as follows:-

"The Patel of this village appeared before me & said that the pond in the N.E. was customarily used for drinking purposes by the village cattle & that there was a right of way through the field. The grant of this number will be of course subject to existing rights of a similar if any" The statement is dated 11th Dec 1889

26th May 1890

26th June 1890

and Rs 5 ~~towards~~ kandayam notice fee &c, and that in case the Entire area of Survey No 3 viz 1 acre 20 guntas was put into his possession he was prepared to pay the purchase money and the Kandeyam for Vikruthi

Thereupon the D.C Commr ordered the Amildar to submit a report. The Amildar accordingly reported wherein he stated that the purchaser had not paid the purchase money nor the year's assessment, that the contention of the petitioner was that he should be allowed to cultivate the whole of the field including a pathway running through it, that as the Survey Dept had deducted 10 guntas out of 70 as kharab the road must have been allowed and the remaining portion alone assessed and that the contention of the petitioner was under the above circumstances unreasonable.

On the 25th July 1890 the Deputy Commr ordered that it was certainly improper to have proceeded against petitioners properly for the

20.7.1890

(XX) The Amildar further reports that coercive measures were in progress for the recovery of the amt

× vide Mahazar dated 12th July 1890

and that under the above circumstances the sale might be cancel and the full amount of purchase money brought under remission.

On the 22d August 1890 the Deputy Commr. ordered that the amount Entered in the accounts should be brought under remission and a statement submitted thereof and that the land should be excluded from Kempanna's khata. Kempanna was also informed by the amildar that the land survey no. 3 was under the above orders of the Deputy Commr. Excluded from his (Kempanna) khata.

Munappa the purchaser of survey no. 3 in the sale dated 26th ~~September~~ May 1890 had paid the purchase money (vide note in the Harapatti dated 26-5-90)

In his order dated 26th August 1890 the amildar stated that the sale was cancelled and directed the amount to be returned

(6) 7

to the purchaser. The
Amildar further direct- 20-8-90
-ed that Kempanna's
other property which had
been under attachment
should be delivered to his
possession and a receipt
obtained from him.
On the 15th Sept. 1890
Kempanna gave a
Muchalika stating that
his property that had
been attached ~~was~~ was
that day given to his
possession.
On the 28th August
1890 the Amildar issued
an Istihar notifying
that ~~the~~ Survey no. 3 of
Godlu muddenahalli
would be sold by public
auction on 15th September 90
and that the pathway on
the land would be reserved
by Govt. The sale was
however adjourned to the
25th January 1891.
On the 25th January 1891
the sale of Survey no. 3 was
held when it was knocked
down to Kempanna for
Rs 3-4-0. Kempanna's
was the highest bid.
The persons present at the
Sale refused to sign the

Kempanna has
Rs 3-7-3 pur.
money. Cess d° on
May '92

recovery of the purchase money and the kandayam for the year Virodhi though as a matter of fact the land had not been put into his possession and he had not cultivated it in the year Virodhi, that if he paid the purchase money the land might be registered in his name from the year Vikruti, that he would have no right to the portion included from the Survey number 3 by the Survey Department, that if he was prepared to take up the land on the above conditions the kandayam for Virodhi entered against his name and the notice fee might be remitted and that in case he was not prepared to do so the land might be disposed of on receipt of durkhast therefor.

On 13th August 1890 the amildar reported to the Deputy Comm^r that Kempanna had stated that he did not want the land in case the pathway was included therefrom, that he had not even paid the deposit amount,

Kandjpathi. They stated that they had already represented on a previous occasion, that is, when the identical land had been sold to one Munuppa and the purchase money Rs 2 received from him, that it would be very inconvenient to the villagers if the land was given to the purchaser and that they would not sign the Pathi merely repeat it (vide "Shara" in the "Kandjpathi")

The ryots represented that it would be very inconvenient if the land was given for cultivation, that the purchase money might be recovered from the ryots and that the Kandayam on the land might be written off the accounts and the land reserved for public use.

The Tahsildar reported the above to the Deputy Commr.

On 13.5.91 the Deputy Commr ordered that as the land was an assessed one the ryots might take it up, pay the Kandayam and receive the land for public use.

The ryots were informed of the above order

under the Deputy Commissioner dated 22nd August 1890 above referred to the sum of Rs 35-1-0 as shown below was included in the Remission[X] Statement

[X] Subject to part of Collector's Ref.

Land Rev. for 1889-90 — Rs 3-0-0
Cess ——— Rs 0-3-0
Sale proceeds ——— 30-0-0
Cess —— 1-14-0

Total Rs 35-1-0

The remission statement gives the following:-

" Puttadas purchased Survey No 3 which was sold on Darkhast. After the inclusion of the amount and the assessment in the jamabandi the Villagers desired to keep the land for themselves, as there was a pathway in it and as they wished to make a bund for the village cattle, in the land which had silted up, and the purchaser himself objected to buy the land as there was a pathway in the land. The sale was cancelled and the land is proposed to

be given to the villagers. The year's assessment and the sale amount which were also brought to book have therefore been included in this statement under Dy Commissioner No 440 dated 22d August 1890".

The Govt disallowed the remission of the above sum. Para 3 of Govt Proc: No 2298-9/4.7 dated 9th May 1892 runs as follows:-

"In case no 21 land assessed at Rs 3 has fetched Rs 30 at auction. It is evidently valuable land, and being assessed for cultivation, the reasons assigned for withholding it from cultivation do not appear sufficient. The proposed remission is therefore disallowed".

Total Rs 35-1-0

On the 13th March 1894 the Deputy Commr passed orders on the weekly Report of Collection ending with 24th Feb '94. He states therein:-

"Rs 35-1-0. Recommended

On the 19th May 1894 the amildar reported to the Deputy Commissioner that at the sale survey No. 3 had fetched only Rs 3, that there had been no bidders at all for survey Nos 46 & 47, that in Doddamuddenahalli S. No. 62 had fetched Rs 5 and S. No. 59 Rs 6, that in all the amount realized was only Rs 14, that the defaulter had after the close of the sale produced the amount of arrears viz Rs 35-1-0 and requested that it might be held in deposit pending final orders on his appeal before Govt., that that amount had been credited, that it was true that the lands had fetched a very low sum, but that under the above circumstances the sale might be cancelled and the amount deposited by the defaulter treated as "Sirjame".

He says in his appeal petition that he paid this amount on 7 May 1894 in view to prevent the lands (Nos 3, 62 & 59) worth 300 passing to Gale Khaviappa Rs. 15 under the sale of 21-4-94

(12)

On the 14th June 1894 the Dy Comm: directed the Amildar to report immediately when the other amount - besides the deposit - was received.

The amildar reports that Rs 3·11·6 had been received on 23d April 1894 and Rs 11·3·0 on the 5th may 1894 and that in all Rs 14·14·6 had been received.

The Dy Comm: there upon ordered as follows:

" As the defaulter has paid the arrears the numbers bought by Govt may be made over to him : As regards the other numbers, unless the purchasers consent to it, I cannot cancel the sale ". 6·7·94

On the 27th July 1894 the Amildar reported to the Dy Comm: that shortly after the sale the defaulter had paid up the arrears, that the sale had not then been confirmed, that the purchaser & the defaulter were brothers and were not on good terms

for remission but objected by Government. The amount has to be collected."

No 560.

The demand notice for Rs 38. 1. 0 was issued to Kempanna. The notice was personally served on him (vide Mara on the notice). In his order dated 6. 2. 94 the Amildar had directed the Shekdar to attach the property of Kempanna in case he failed to pay the arrears.

6th February 1894

On the 10th March 1894 the Amildar ordered the sale of the defaulter's property. The Sethikar for sale also issued. It was notified therein that Kempanna's lands would be sold by public auction on the 20th April 1894. There were no bidders on the 20th April 1894. The sale was adjourned to the following day.

On the 21st April 1894 Survey No 3 of Godlu maddenahalli and other lands belonging to Kempanna were sold. Survey No 3 was knocked down to Gele Bairappa for Rs 3.

with each other, that the defaulters payment might be recognized and the entire sale cancelled that if the Dy Commr felt bound by the Sale he might at least order the restoration of the lands bought in by Govt and the refund of Rupees 35-1-0 minus the amount realized from the sale ie Rs 35-1-0 amt of arrears
14-14-6 Sale proceeds
Rs 20-2-6

The amildar was thereupon referred to the previous order passed by the Deputy Commr.

On the 13th August 1894 the amildar reported to the Deputy Commr that Rs 14-14-0 that was realized from the sale, and Rs 20-3-0 out of Rs 35-1-0 deposited by the defaulter had been treated as "Arijam" that Rs 4 being the Kandayam for Virodhi, notice fee & interest were still due from the defaulter and that orders might be passed either remitting the same

or allowing the same to be paid out of the amount standing at the credit of ~~the~~ the said defaulter Kampanna.

On the 19th August 1894 the Deputy Comr ordered as follows:-

"(the amount) should of course be collected. The order giving the land bought by Govt back was done in the understanding that the whole of the arrear was recovered. As such is not the case that order is cancelled".

In his petition dated 31st March 1894 to the Dy Comr, Kampanna had complained that it was unjust to demand the payment of the amount that had once been ordered to be remitted (as per Dy ~~Comr~~ Comrs order No 440).

In reply the petitioner was informed by Supt dated 1st May 1894 that the remission recommended by the Dy Comr had been disallowed by Govt and the amount was hence ordered to be recovered.

16

(1)

The petitioner prays that in case Govt wanted to confirm the 1st sale the portion of land reserved for the pathway may be included in the field and allowed to be cultivated; and if the portion reserved for the pathway was to be excluded from the field the original sale amount, one year's kandayam and the interest may be remitted. He prays also that the sale held on the 25th January 1891 may be confirmed, and the sum of Rs 35-1-0 he has deposited may be refunded to him.

6. 6. '94

The D.C. Comm's Rep't dated 6th June '94 is submitted with the file.

/

Bill
16.7.

The A.C. Comm's state that petitioner is entitled to a refund of Rs 3-7-3, the fee paid by petr for the issue of the sale held on 25-1-91.

When the Resumption Statement was submitted to Govt in September 1891, which had been practically given to the cancellation of the

first sale in favor of Pltff in
21st Dec. 1889, the land had been re-
sold on 25-1-91 to the Defendants
of which one it said it had been
bought at sheriff's Petition under the
latter sale. In the examination both
these facts were not denied. It was
later shown that the land was purchased
by the villagers. The first
order was passed ex parte without
reference to the Collector and it
directed the Plaintiff to have land in
cultivation. The non-compliance which had
come to existence in the cancellation
of the first sale of Dec. 1889 & the
confirmation of the sale of 25th Jan 1891
were not known to the Court when
the order, but about 2 years after
the date of Sept. order when
Plaintiff were taken to recover the
purchase money & Defendants due
hence the present suit Pltff
had foreseen of the 1st under
that sale

Submitted for orders.

=

Upheld the cancellation
of the first sale - the second sale was unobjectionable confirmed
on the ground that
the Plaintiff was not
entitled to
cancelled
land restored
to Pltff - the
purchase money to
be refunded
with interest
from the
date of
purchase

27/8

(General Serial No. 32.)

1894. 18

No. 3479

Name of Petitioner. Kempaiah s/o Doddi Gowda

Village. Gundlu Ramanahalli

Taluk. Devanahalli

District. Bangalore

Date of Arzi. 6-6-94

Date of Receipt. 7-6-94

Date of Disposal.

No. of Enclosures. four

ABSTRACT.

Appeals against the decision of Commissioner in Rev. Appeal No. 2 of 1893-94 dated 15th May 1894.

1. The petitioner bought the land in Sy. No. 3 of the above village as a paddy plot for Rs. 80 of the robot numbers of the village.

2. Before the said land was handed over to his possession, the report of the village land complaint that a passage for cart & foot path should be granted in the said land whereas they said he just to provide necessary one foot passage & correspondence for two years & the land was not given his possession & so he never paid the sale amount.

S.

the Deputy Commissioner
which Award he ordered the Sheriff
to put the said purchaser into
possession of the said premises
allowed him ~~four~~ (three) years
Land in the middle of the said number
containing lottie Chattel & Improvements
for the said Judgment & directed for
the resale of the remaining portion
of the land Sold by (late) Deputy bought
on 25-1-91 Fol No 3-7-3 & Thereof possession
of the land 2 years after.
Afterwards on the 9th day of the
said Sale was set aside by the
Court & the Sheriff was ordered
sold for a further sum of Rs 15, without
hearing the original Purchaser (plaintiff to repay
~~Rs 30~~ the Sale amount, Rs 5-1 being published charges) to year
~~Fol No~~ the def-- Lot No 35-1-in the
Salt Treasury on 9th May 1894 to
Had the land been sold over to
his ~~respondent~~ before he first bought it he
would have readily paid the sale
amount. But his dishonesty
cancelled the sale on the complaint
of the 2nd & the scheduler forbid him
from entering the land. So the
present order by the Deputy Commissioner
is unjust.

Prays therefore that the said

sale be confirmed the ~~Commissioner~~ Commissioner the
year allowed for the road ~~to~~ be made over to him possession & that
of the second sale be confirmed & the ~~money~~
retained for the Said Commissioner may be
ordered to pay for the sale amount &
costs & his deposited
amount of Rs 35-1-in Treasury refunded
him.

Land lies January & the.

No. 326

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM

The accompanying Petition No. 3479
dated [illegible] received at the
Dewan's Office from [illegible]

is forwarded, together with its three enclosures, to the [illegible]

By Order,

BANGALORE, 189 .

Chief Secretary.

Gen. Serial No. 30.]

(4)

OFFICE OF THE
17 JUN 1895
EXAMINER

1486.
1895
R 4853
785.

From The Dy Commissioner
Bangalore District

To The Chief Secretary to the Govt.
Dewan of Mysore.

L.R-80-93-3

Dated 6th
Despatched 15th June 1895.
Received

Enclosures No. 1 file.

General No.
No. 1506.

In reply to Ch. Secy's No. 326 dated 30th August 1894.

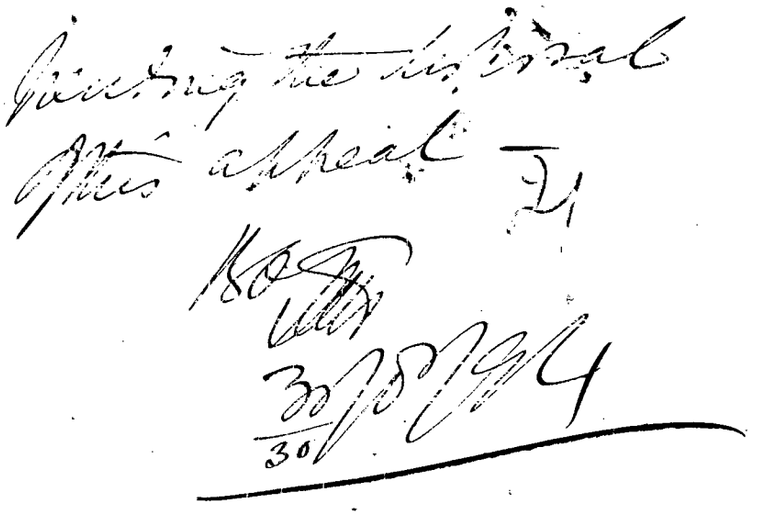
SUBJECT.

Reports on petition from Kempanna son of Doddigowda of Sodlumuddenahally, Devanhilly Talukh anent the sale of his lands for the recovery of the price and Kandayam due on Canal No. 3 of his village.

References—(to be entered only in the Dewan's Office).

Rec 22/6/95
References furnished
22/6/95

25/6



By Commissioners Office
Bangalore District.
Dated 6th June 1895.

D No 1506.
En file

To

The Revenue Secretary to the
Government of Mysore.

Sir,

I have the honor to ac-
-knowledge the receipt of your
Official Memorandum P. No. 326
dated 30th August 1894, forwarding
for report a petition from Kemp-
-anna Son of Doddigowda of Godlu
Muddenahally in the Devanhally
Taluk, against the sale of his lands
for the recovery of the price and
Kandayam due on land No 3 of his
village, and to report as follows:-

2. The land referred to was dar-
-khasted for by one, Dasanna in
September 1889 and as it contained
trees &c was sold by public auction
and purchased by the petitioner
for Rs 30/- on 20th November 1889.
This sale was confirmed by the

* Enclosures returned.

then Deputy Commissioner Mr.
P.N. Krishna Murti on 21st December
1889. Vide order No 692 and the
amount was brought to the petitioners
Khata for Virodhi. But he did not
pay it and Coercive measures were
adopted. In the meantime the
villagers objected to the assignment
on the ground that the land con-
-tained a Kuté and a way for
cattle and its cultivation would
cause inconvenience, and the
petitioner demurred to pay the
assessment and price aggregating
Rs 35-3-0 on the ground that he
was not given possession of the
land and permitted to cultivate
it. Mr. Abdul Rahiman Saheb,
the then Officiating Deputy Commissioner,
ordered that since the petitioner
did not cultivate the land in
Virodhi and did not want it on
the condition imposed i.e. he should
keep open the way for cattle, the

Taluk should be cancelled and the Amount due remitted (order No 440 dated 22nd August 1890) The amount was accordingly recommended for issue vide the Statement submitted with this Office No 519 dated 11th September/91, but the Government in Proceedings No 2298-9 dated 9th May 1892 disallowed it.

Extract enclosed, marked A 22

Village	No	No of Acres	Amount for which sold	Amount for which it was sold	Name of purchaser
Gollamuddanahally	3	1	3	3	Yelachay nayka
	46	10	"	2	Government
	47	10	"	2	Do
Kodamuddanahally	62	3	5	5	Yelachay nayka
	59	3	6	6	Do
	41	2	7	2	Government

Three acres have been cancelled by order of 19-8-91 vide Proceedings

3. As the petitioner did not pay the amount referred to, Coercive measures were adopted and his holdings sold. He remained obstinate till the sale was concluded and then offered to pay the arrears. But it was too late. As a matter of grace, orders were issued to restore to him such of his holdings as had been bought for Government for want of bids.

4. The entire record

Annexure 6
6-6-94

To
The Inspector,
Stamps Office,
Police Wireless,
Three Gumbad,
Peshawar.

INWARD CORRESPONDENCE
REGISTRATION DEPARTMENT
REGD. NO. 3479/R
DATE 7-6-94

is herewith submitted.

5. The petitioner alleges that in January 1891 when the land was sold again with a reservation of a bit of it for passage of cattle, he purchased it for Rs 3-7-3 and paid the amount. This has been a fact and the petitioner is therefore entitled to its refund.

I have the honour to be
Sir,
Your most obedient Servant,

[illegible]
For Dy Commissioner

5

Gen. 90.] 189

30 (6) 41

From

The Chief Secretary to the
Government of Mysore.

To

L.R. 80-93-4

Dated

Despatched 2-7-8.

Received

General No.
No.

Enclosure No.

L

The Deputy Commr.
Bangalore District.

R. 1957/0.358 & 15/20. 8.95

His letter No 1576 dated
6th June 1895, reporting on the
petition of Kempanna of
Godlu Muddenhalli, Dena-
halli Taluk.

With reference to the above,
has the honor to state that
the petition has been posted
to 27th August 1895 for hearing the
Petitioner and the purchasers
of Petitioner's lands at the
sales held on 2nd April 1894.

2. Notice has been issued to
Gale Bhairappa, purchaser
of Lands Nos 3, 12 and 59,
through the Amildar of
Denkanhalli

3 Lands Nos 46 and 47
of Godlu Muddenhalli and
No. 41

32

No. 41 of Dada Muddenhalli has been purchased by Government & the Deputy Commissioner is required to state whether they are now occupied or have been since granted to others. In para 3 of the above letter, the Deputy Commissioner has referred to his order of the 6th July 1894 directing the resumption of these lands by Petitioner but the proceedings show that that order was subsequently cancelled by order dated 13th August 1894.

By Order

H Rob 18/8

Draft

Jr Revenue Secretary

Sr

Gen. Serial No. 51.]

189 (D) 33

Pet C.
27-8-95

From The Dy Commissioner
Bangalore District

To Revenue
The Secretary to the Govt
~~Durbar~~ of Mysore.

L.R 80-13-5

Dated 26th
Despatched } August 1895
Received

Enclosures—No. one.

General No. 211
D No.

The Revenue Secretary's
No 1957 dated 15th August 1895
358.
received on the 21st calling
for further information
in connection with the
appeal of Kempanna of
Goddlu Muddenahally,
Devanhally Taluk.

According to the above,
has the honor to report
that Survey No 46 of Goddlu
Muddenahalli is in the
Khata and holding of
Kempanna the appellant.

The other two numbers having been relinquished by the Khidmatgar in 1945, they are now unoccupied. Vide Devanhally Amildar's urzi No 182 dated 25th Instant herein enclosed.

K Chandy

for Deputy Commissioner

REVENUE DE SAINT-LEON
Date
24-8-95
No 49

(9)

37

Proceedings of the Govt of Mysore

L. R. & 93-6

Read:—

(1) Petition No 3479 dated 4th June 1894, presented by Rempanna of Godlu Muddenhalli, Devanhalli Taluk, appealing against the order of the Deputy-Commr of Bangalore, regarding recovery of certain arrears of revenue from the Petitioner

(2) Letter No 1506, dated 6th June 1895 from the Deputy Commr of Bangalore, reporting on the above petition, and correspondence ending with his docket No 211, dt 26th August 1895.

(3) Proceedings of the case which show the facts to be as follows

Petitioner Rempanna purchased S. No 3 of Godlu Muddenha-

Dy A.G. 1-20, recorded at Pg 3

refused to take up the land
if the railway was excluded,
the Acting Commissioner
on 22nd August 1891 ~~ordered~~ recommended
the amount to be ~~kept~~ for
Water Reserve, and the
land to be excluded from
Kempanna's Khale.

The Amildar informed
the Petitioner of the above
order by an endorsement,
and issued a proclamation
for the sale of the land, belonging
the railway to Government.
The sale was held on 25th January
1892, when Petitioner Kempanna
purchased the land for
Rs 3-4-0.[x] The villagers
represented that it would
be very inconvenient to them
if the land was given out for
cultivation, and that therefore
the assessment of the land
might be ~~order~~ cancelled
and the land reserved for
public use, ~~directing~~ the
purchase

[x] On 6th March 92, he was put in possession of the land & Michalika was taken from him.

of the whole land. The Amildar
has adopted coercive measures
for the recovery of the amount;
the Petitioner complained to
the Deputy Commissioner
who ordered, on 25th July 1890,
that it was improper to
have proceeded against the
Petitioner's property for the
recovery of the purchase
money and Kandayam
for Virodhi (1889-90), as he
was not put in possession
of the land and as he did
not cultivate it that year;
that if he was willing to take
up the land, without the 10
Gundas excluded at the Survey,
the Kandayam for Virodhi
might be remitted, and that
if he was not willing to do
so, the land should be
disposed of on receipt of a
Darkhast.

The Petitioner having

for Rs 30, in a Darkhast sale held on 20th November 1889. The sale was confirmed by the Deputy Commr on 21st December 1889, before the purchase money was paid by the purchaser. Subsequent to the sale, but prior to confirmation, some of the villagers represented that there was a Katte in the land, which was used by the villagers and that there was also a right of way through the land, and the Amildar ordered that the grant of the land should be subject to the existing right of way, if any.

Petitioner was not put in possession of the land, and he refused to pay the purchase money and Kandayam for Virodhi, demanded from him, unless he was put in possession

being received purchase money from them.

On 13th May 1891, the Deputy Commr passed an order to the effect that as the land was an assessed one, the villagers might take up the land and reserve it for public use, paying its assessment. The villagers refused to take up the land on assessment, and ~~many~~ ~~demanded their great-grandfathers, who had~~ ~~referred to the~~ ~~decided~~ that it might be granted to Kempanna, reserving the path-way.

In September 1891, the Deputy Commr recommended to Government the remission of Rs 35-1-0, stating that the villagers desired to keep the land (Rs 31) for themselves, as there was a

× Land Revenue for 1854-55 Rs 3-3-0
with cess
Sale proceeds with cess 31-14-0
Total Rs 35-1-0.

sold on 21st April 1894.
S. Nos 3 of Godlu Muddenhalli
and Nos 5-9 and 62 of Doddu
Muddenhalli were purchased
by the Counter Petitioner Gulla
Bhirappa, and the remain-
ing 3 numbers, namely, 46.
and 47 of the former village
and 41 of the latter were
bought-in by Government,
for want of bidders. After
the close of the sale, Petitioner
paid the amount demanded,
under protest, and the
Amildar recommended the
cancellation of the sale, on
the grounds that the lands
fetched a very low price, &
the defaulter paid up
the arrears. On 6th July 94
the Dy Commr ordered the
numbers bought-in by Govt
to be made over to Petitioner
and declined to cancel

the sale of the other numbers unless the purchaser consents. The purchaser Gala Baiappa did not consent to the cancellation of the sale.

The Amildar having reported that a sum of Rs 9 was still due from Kempanna, the Deputy Commissioner, on 19th August 1894 cancelled his former order directing restoration of the lands bought by Government, to Petitioner, on the ground that that order had been passed on the understanding that the whole of the arrears had been paid up. This order does not appear to have been given effect to. The Deputy Commr reports that out of the 3 numbers bought by Govt, one is in Petitioner's possession and the other two were relinquished by him in 1894-95.

pathway in it, and as they
worked to repair ~~the~~
the use of the ~~village~~ upon which had subsisted
the village cattle in the land,
which had ~~ceased~~, that
the purchaser himself objected
to buy the land as there was
a pathway in the land, and
that therefore the sale was
cancelled & the land was
proposed to be given to the
villagers. But the Govt
in Prop. No 2298-9/47, 3rd May 72
disallowed the remission
on the ground that the
reasons assigned for with-
holding from cultivation
the land which was assessed
and was evidently valuable
did not appear sufficient.

In March 94, the
Deputy-Commr accordingly
ordered the amount to be
collected. Kempanna having
failed to pay the amount,
his lands were attached and

sold

L8 Encl: IV file

Order thereon No 4714
P 995

14-11-95
18

The cancelment of the first sale of S. No 3 is upheld, and the Decision of Rs 35-1-0, being the purchase money, and the assessment for 1889-90, is cancelled. The sale of the land to the Petitioner on the 25th January 1891 is confirmed. The subsequent sale of this and other lands of the Petitioner for arrears of revenue is cancelled + the lands will be restored to him, on his paying to the Purchaser the purchase money and the interest thereon.

14-11-95

Draft

14-11-95
Revenue Secretary

Draft Submitted to the 2nd & 3rd Councillors
HCB
14/11/95

+ on the condition that the Pet[r] do pay the said purchaser his purchase money with interest at 12 p.c. ~~from~~ up to date of Payt: and on the Pet[r] making the said Payment, the land will be restored to him.

mcb
12/11/95

To the Deputy Commissioner Bangalore District with records.

4-5

ನಂಬರು 3479 ನೆ

18/11/95

(8)

ಶ್ರೀ ಮಾನ್ಯ ವಿತ್ತಾಧಿಕಾರಿಗಳವರು.

ವಿಷಯವನ್ನು ಕುರಿತು ಈ ಕೆಳಗಿನಂತೆ ವಿನಂತಿಸಿಕೊಳ್ಳುವುದೇನೆಂದರೆ

L.R. 80-83-7

ಅಂಜನಾಪುರ ಹೋಬಳಿಯ ಸರ್ವೆ ನಂಬರುಗಳ ಜಮೀನುಗಳನ್ನು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡಿರುವ ರೈತರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿಗಳನ್ನು ಕೊಡುವ ಸಲುವಾಗಿ ಸರ್ಕಾರದವರು ಆದೇಶ ಹೊರಡಿಸಿರುವುದು ತಮಗೆ ತಿಳಿದಿರುವ ವಿಷಯವಾಗಿರುತ್ತದೆ. ಸದರಿ ಆದೇಶದಲ್ಲಿ ಸರ್ಕಾರದವರು ಸಾಗುವಳಿ ಚೀಟಿಗಳನ್ನು ಕೊಡುವ ಸಲುವಾಗಿ ಕೆಲವು ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಿರುತ್ತಾರೆ. ಅವುಗಳಲ್ಲಿ ಮುಖ್ಯವಾದ ಷರತ್ತು ಎಂದರೆ 1874ನೇ ಸಾಲಿನ ಭೂಕಂದಾಯ ಕಾಯ್ದೆಯ ಪ್ರಕಾರ 3479 ಸರ್ವೆ ನಂಬರಿನಲ್ಲಿ ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುವ ರೈತರು ಸಾಗುವಳಿ ಚೀಟಿಗಳನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ. ಆದರೆ ಸರ್ಕಾರದವರು ಸಾಗುವಳಿ ಚೀಟಿಗಳನ್ನು ಕೊಡುವ ಸಲುವಾಗಿ ಕೆಲವು ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಿರುತ್ತಾರೆ. ಅವುಗಳಲ್ಲಿ ಮುಖ್ಯವಾದ ಷರತ್ತು ಎಂದರೆ 1884-90ನೇ ಸಾಲಿನಲ್ಲಿ ಯಾವ

Draft

14-11-95.

Revenue Secretary.

By order

Section Officer

14/11/95